IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH
AT HYDERABAD

FRIDAY THE THIRD DAY OF SEPTEMBER TWO THOUSAND AND FOUR

: PRESENT:

THE HON'BLE MS. JUSTICE: **G. ROHINI**

CIVIL REVISION PETITION No. 3524 OF 2004

(Petition under Article 227 of the Constitution of India to revise the order of the Court of the II Additional Junior Civil Judge, Warangal and passed in O.S. No. 1242 of 2001 dated: 08-07-2004)

Between:

Kolakotla Manohar, S/o. Yellaiah, Occ: Employee, R/o. 11-23-1383, L.B. Nagar, Warangal.

…..Petitioner

AND

Kommula Babu, S/o. Samson, Occ: Employee, R/o. 3-57/1, Dharmaram Village, Geesugonda Mandal, Warangal District.

……..Respondent

The petition coming on for hearing, upon perusing the petition and memo of grounds filed herein and upon hearing the arguments of Mr. G. Dhananjai, Advocate for the Petitioner and the Court observed that the C.R.P. is filed under Article 227 of the Constitution of India aggrieved by the notice served on the petitioner in O.S. No. 1242 of 2001 on the file of the Court of the II Additional Junior Civil Judge, Warangal, stating that the suit in which the judgment was pronounced on 14-06-2004 has been reopened under Section 152 of the Code of Civil Procedure for amendment of the operative Portion of the judgment and decree "from decreeing the suit, to dismissal of the suit" and directing the plaintiff to appear before the Court on 03-08-2004.

When this matter came up for consideration on 02-08-2004, the matter was adjourned to enable the petitioner to file the objections before the Court below on 03-08-2004. Today, the learned counsel for the petitioner states that the plaintiff appeared before the Court and filed his objections on 13-08-2004 which was duly recorded by the Court, however, on 26-08-2004 an order has been passed stating that in spite of granting further time, the plaintiff failed to file either his counter or his objections. It is also staed that the Court has modified the decree in exercise of powers under section 152 of C.P.C observing that a mistake had occurred in the docket order dated: 14-06-2004 which was a clerical mistake arisen out of an accidental slip by the Stenographer while typing the operative portion of the judgment and the same is rectified and thereby the suit stood dismissed.

And whereas the Court observed that Prima facie, it appears that the procedure followed by the Court below and amendment of judgment and decree in exercise of the power under Section 152 of C.P.C is not in accordance with law.

And whereas this court directed the Registry to call for the remarks of the officer together with the entire record relating to O.S. No. 1242 of 2001 particularly with regard to the order dated: 26-08-2004.

Therefore you namely:

The II Additional Junior Civil Judge, Warangal, Warangal District.

are hereby directed to send the remarks to this Court together with the entire record relating to the O.S. No. 1242 of 2001 particularly with regard to the order dated: 26-08-2004 on or before 17-09-2004 to which date the case stands posted;

SD/- M.D. IBRAHIM
ASSISTANT REGISTRAR

//TRUE COPY //

for ASSISTANT REGISTRAR

To

1. The II Additional Junior Civil Judge, Warangal, Warangal District.

Copy to

2. The Section Officer, V.R. Section, High Court of A.P., Hyderabad.
3. The Section Officer, C.R.P. Section, High Court of A.P., Hyderabad.
4. One spare copy.

Ksv

HIGH COURT

RGJ

DATE: 03-09-2004

NOTE: POST ON 17-09-2004

ORDER

C.R.P. No. 3524 OF 2004

CALL FOR REMARKS
FROM THE II ADDITIONAL
JUNIOR CIVIL JUDGE, WARANGAL